

RESOLUTION NO. 03-540

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING AKSARBEN FROM THE NORTH LINE OF THE PLAT, SOUTH TO THE NORTH LINE OF PONDEROSA, AND ON PONDEROSA FROM THE WEST LINE OF AKSARBEN, EAST TO THE EAST LINE OF THE PLAT. AKSARBEN CT. (LOTS 1 THROUGH 6, BLOCK A) FROM THE WEST LINE OF AKSARBEN, WEST TO AND INCLUDING THE CUL-DE-SAC, ON AKSARBEN CT. (LOTS 7 THROUGH 14, BLOCK A) FROM THE WEST LINE OF AKSARBEN, WEST TO AND INCLUDING THE CUL-DE-SAC, ON AKSARBEN CT. (LOTS 1 THROUGH 10, BLOCK D) FROM THE EAST LINE OF AKSARBEN, EAST TO AND INCLUDING THE CUL-DE-SAC, ON AKSARBEN CT. (LOTS 11 THROUGH 24, BLOCK D) FROM THE EAST LINE OF AKSARBEN, EAST TO AND INCLUDING THE CUL-DE-SAC, AND ON PONDEROSA CT. FROM THE NORTH LINE OF PONDEROSA, NORTH TO AND INCLUDING THE CUL-DE-SAC. SIDEWALK BE CONSTRUCTED ON ONE SIDE OF AKSARBEN AND PONDEROSA, (SOUTH OF 13TH, WEST OF 135TH STREET WEST) 472-83669, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING AKSARBEN FROM THE NORTH LINE OF THE PLAT, SOUTH TO THE NORTH LINE OF PONDEROSA, AND ON PONDEROSA FROM THE WEST LINE OF AKSARBEN, EAST TO THE EAST LINE OF THE PLAT. AKSARBEN CT. (LOTS 1 THROUGH 6, BLOCK A) FROM THE WEST LINE OF AKSARBEN, WEST TO AND INCLUDING THE CUL-DE-SAC, ON AKSARBEN CT. (LOTS 7 THROUGH 14, BLOCK A) FROM THE WEST LINE OF AKSARBEN, WEST TO AND INCLUDING THE CUL-DE-SAC, ON AKSARBEN CT. (LOTS 1 THROUGH 10, BLOCK D) FROM THE EAST LINE OF AKSARBEN, EAST TO AND INCLUDING THE CUL-DE-SAC, ON AKSARBEN CT. (LOTS 11 THROUGH 24, BLOCK D) FROM THE EAST LINE OF AKSARBEN, EAST TO AND INCLUDING THE CUL-DE-SAC, AND ON PONDEROSA CT. FROM THE NORTH LINE OF PONDEROSA, NORTH TO AND INCLUDING THE CUL-DE-SAC. SIDEWALK BE CONSTRUCTED ON ONE SIDE OF AKSARBEN AND PONDEROSA, (SOUTH OF 13TH, WEST OF 135TH STREET WEST) 472-83669, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **02-554** adopted on December 10, 2002, is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improve Aksarben from the north line of the plat, south to the north line of Ponderosa, and on Ponderosa from the west line of Aksarben, east to the east line of the plat. Aksarben Ct. (Lots 1 through 6, Block A) from the west line of Aksarben, west to and including the cul-de-sac, on Aksarben Ct. (Lots 7 through 14, Block A) from the west line of Aksarben, west to and

including the cul-de-sac, on Aksarben Ct. (Lots 1 through 10, Block D) from the east line of Aksarben, east to and including the cul-de-sac, on Aksarben Ct. (Lots 11 through 24, Block D) from the east line of Aksarben, east to and including the cul-de-sac, and on Ponderosa Ct. from the north line of Ponderosa, north to and including the cul-de-sac. Sidewalk be constructed on one side of Aksarben and Ponderosa, (south of 13th, west of 135th Street West) 472-83669.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Three Hundred Eighty-Four Thousand Dollars (\$384,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **October 1, 2002**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

COPPER GATE ESTATES

Lots 1 through 14, Block A

Lots 1 through 37, Block D

Lots 4 through 7, Block F

COPPER GATES ESTATES

Lots 15 through 37, Block A

Lots 16 through 40, Block C

Lots 1 through 3, Block F

Lots 8 through 14, Block F

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

Lots 1 through 14, Block A, Lots 1 through 37, Block D, and Lots 4 through 7, Block F, COPPER GATE ESTATES shall each pay 9/611 of the total cost of the improvements, and Lots 15 through 37, Block A, Lots 16 through 40, Block C, Lots 1 through 3, Block F, and Lots 8 through 14, Block F, COPPER GATE ESTATES, shall each pay 2/611 of the total cost of the improvements.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment

Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, October 21, 2003.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SCHOFIELD, CITY CLERK

(SEAL)